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16 AUG 2006

Legal Staff
International DivisionSeed^{IP}

August 16, 2006

Karl R. Hermanns
Telephone: (206) 4834
karlh@SeedIP.com

Facsimile Transmission

To: PCT Legal Administration / Attention: **Somia Basher**

Fax No.: (571) 273-0459

Phone No.:

Re: **U.S. Application No. 10/566,231**

Your Ref.:

Seed IP Ref.: 670101.403USPC

No. of Pages: 18 (including this page)

If you do not receive all pages, please call Lola Kemp at (206) 622-4900 or fax our office.☒ Urgent☐ For Review☐ Please Confirm
Receipt☒ Please Reply
ASAP

Comments:

Documents attached:

Letter concerning improper deduction of excess claims fees
Request for Refund (transmittal, Request, attachments)

I am resending the facsimile I sent on July 27, 2006, as I have received no response, and there is no indication in private PAIR that this letter and Request for Refund were received. **Please confirm receipt of this facsimile. Thank you.**

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813548

Seed Intellectual Property Law Group PLLC

address 701 Fifth Avenue
Suite 6300
Seattle, WA 98104
ophone 206.622.4900
csmile 206.682.6031
website SeedIP.com

Seed^{IP}

July 27, 2006

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website SeedIP.com

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4487
CONNECTION TEL #78315712730459
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Seed^{IP}

July 27, 2006

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701 Fifth Avenue
Suite 6300
Seattle, WA 98104
206.622.4900
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July 27, 2006

Karl R. Hermanns
Direct Line: (206) 694-4834
karlh@SeedIP.com

By Facsimile: (571) 273-0459

PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/566,231 lodged January 27, 2006, Entitled
COSMETIC COMPOSITIONS WITH POLYOL/POLYESTER BLOCK
POLYMERS
Seed Docket No.: 670101.403USPC

To Whom It May Concern:

In several instances in the past year, the PCT Branch of the U.S. Patent & Trademark Office has removed excess claims fees from this firm's Deposit Account 19-1090 **without authorization**. After a lengthy discussion on July 26, 2006, with Mr. Paul Bell of the PCT branch, Mr. Bell suggested that we write a letter to PCT Legal Administration, rather than simply submitting a Request for Refund, in the hope of addressing this issue and preventing its recurrence.

When filing the above-identified application (our Docket No. 670101.403USPC) on January 27, 2006, Applicants enclosed a check for \$1,030 (copy of transmittal and check #33526 enclosed). On the transmittal, Applicants checked box "c" on page 3, which reads as follows:

- c. ☒ The Commissioner is hereby authorized to charge **any deficiency in the basic national fee** which may be required, or credit any overpayment to Deposit Account No. **19-1090**. A duplicate copy of this sheet is enclosed.

(Bold type in original.) This firm does not use Form PTO-1390, and the language of paragraph "c" in our transmittal is not identical to that of Form PTO-1390. Thus, this paragraph is **not** a general authorization, and it specifically does not authorize the PTO to deduct excess claims fees. The "basic national fee" referred to is the minimum fee of \$300 required to be submitted at the time of filing, as indicated on page 2 of the transmittal. The basic national fee was included in check no. 33526.

However, on July 18, 2006, the PCT Branch improperly deducted \$360 in excess claims fees (multiple dependent surcharge) (copy of Accounting Statement enclosed). Applicants respectfully request that the Patent and Trademark Office issue a refund of \$360 for claims fees improperly deducted from Deposit Account No. 19-1090 on July 18, 2006.

PCT Legal Administration
July 27, 2006
Page 2

670101.403USPC

Applicants also enclose a Request for Refund. If the issue cannot be resolved by means of this letter, please forward the Request for Refund to the appropriate office for processing.

We request that you honor the language of our transmittal and refrain from deducting excess claims fees. I look forward to receipt of your reply.

Very truly yours,
Seed IP Law Group PLLC



Karl R. Hermanns

Enclosures:

Accounting Statement showing Deposit Account deduction
Copy of Check No. 33526
Copy of Transmittal

813551_1.DOC

Deposit Account Statement

Page 3 of 5

07/14 12	A0005262	✓200164.201WP	7901 217	\$100.00
07/14 238	60814664	✓110184.435P1	8021 110	\$40.00
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
PTO ACCOUNT(206) 622-4900
701 5TH AVE. STE. 6300
SEATTLE, WA 98104-7043EXPRESS MAIL NO. EV529789416US
670101.403USPC

33526

DATE January 27, 200619-2/1250 WA
91926PAY TO THE
ORDER OF

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

\$ ****1,030.00****

***** One Thousand Thirty and no/100 ***** DOLLARS

Bank of AmericaMiddle Market Banking
King County, Washington

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⑈033526⑈ ⑆125000024⑆ 69048 817⑈

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
PTO ACCOUNT
SEATTLE, WA 98104-7043**DETACH AND RETAIN THIS STATEMENT**
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

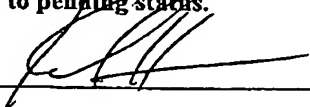
DATE	DESCRIPTION	AMOUNT
1/27/06	PCT/US National Phase of PCT/EP2004/007799 670101.403USPC ALI ABDULLA HASSON, Tareq, et al.	
	Basic National Fee	\$300
	Examination Fee	200
	Search Fee	400
	Oakh/Declaration Surcharge	<u>130</u>
		\$1,030.00
	KRH/lhk	

NON-NEGOTIABLE

Express Mail No. EV529789416US

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NO. 670101.403USPC
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/EP2004/007799	INTERNATIONAL FILING DATE 14.07.2004 (July 14, 2004)	PRIORITY DATE CLAIMED 30.07.2003 (July 30, 2003)
TITLE OF INVENTION COSMETIC COMPOSITIONS WITH POLYOL/POLYESTER BLOCK POLYMERS		
APPLICANT(S) FOR DO/EO/US ALI ABDULLA HASSON, Tareq; LENDLEIN, Andreas; KRATZ, Karl; MOERSHEIM, Simone; GHAZLAN, Yasmin; BIRKEL, Susanne; KRAUSE, Thomas; KALBFLEISCH, Axel; WALTER, Andrea; GRANER, Susanne		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information:		

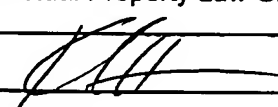
U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP2004/007799		ATTORNEY'S DOCKET NUMBER 670101.403USPC	
The following fees are submitted					
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))				\$300.00	\$300.00
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$ 0.00	
All other situations				\$200.00	\$200.00
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by the IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$ 0.00	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB				\$400.00	
All other situations				\$500.00	\$400.00
TOTAL OF 21, 22 AND 23 =					\$900.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
42 - 100 = 0	0/50 =	0		X \$250.00	
				\$.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		x \$ 50.00		
Independent Claims	- 3 =		x \$ 200.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		
TOTAL OF ABOVE CALCULATIONS =				\$1,030.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$.00	
SUBTOTAL =				\$1,030.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	
				\$.00
TOTAL NATIONAL FEE =				\$1,030.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
				\$.00
TOTAL FEES ENCLOSED =				\$1,030.00	
				Amount to be refunded:	
				Amount to be Charged:	

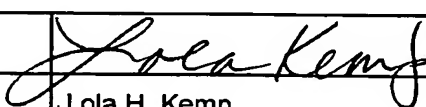
U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/EP2004/007799	ATTORNEY'S DOCKET NUMBER 670101.403USPC
<p>a. <input checked="" type="checkbox"/> A check in the amount of <u>\$1,030</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 19-1090 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any deficiency in the basic national fee which may be required, or credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Karl R. Hermanns Seed Intellectual Property Law Group PLLC 701 5th Avenue, Suite 6300 Seattle, WA 98104-7092 United States of America (206) 622-4900</p> <p>SIGNATURE <u></u></p> <p><u>Karl R. Hermanns</u> NAME</p> <p><u>33.507</u> REGISTRATION NUMBER</p>		

738823_1.DOC

TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	10/566,231
	Filing Date	July 14, 2004 [International Filing Date]
	First Named Inventor	Tareq Ali Abdulla Hasson
	Art Unit	
	Examiner Name	
	Attorney Docket No.	670101.403USPC

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement and Transmittal <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below): <u>Deposit Account Statement</u> <u>Copy of Check No. 33526</u> <u>Copy of 371 Transmittal</u>
<u>Remarks</u>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Seed Intellectual Property Law Group PLLC	Customer Number	00500
Signature			
Printed Name	Karl R. Hermanns		
Date	July 27, 2006	Reg. No.	33,507

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature		
Typed or printed name	Lola H. Kemp	Date: July 27, 2006

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 813550_1.DOC

PATENT

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Date July 27, 2006 Jola Kempf

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tareq Ali Abdulla Hasson et al.
Application No. : 10/566,231
Filed : July 14, 2004 [International Date]
For : COSMETIC COMPOSITIONS WITH POLYOL/POLYESTER
BLOCK POLYMERS

Docket No. : 670101.403USPC

Date : July 27, 2006

PCT Legal Administration
Facsimile No. (571) 273-0459
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Director:

Applicants request that the PCT Branch of the Patent and Trademark Office issue a refund of \$360 for claims fees (multiple dependent surcharge) improperly deducted from Deposit Account No. 19-1090 on July 18, 2006 (copy of Accounting Statement enclosed).

When filing this application (our Docket No. 670101.403USPC) on January 27, 2006, Applicants enclosed a check for \$1,030 (copy of transmittal and check #33526 enclosed). On the transmittal, Applicants checked box "c" on page 3, which reads as follows:

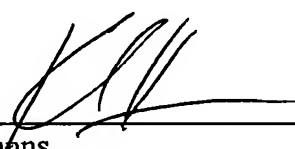
- c. ☒ The Commissioner is hereby authorized to charge any deficiency in the basic national fee which may be required, or credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this sheet is enclosed.

(Bold type in original.) This firm does not use Form PTO-1390, and the language of paragraph "c" of our transmittal is not identical to that of Form PTO-1390. Thus, this paragraph is **not** a general authorization, and it specifically does not authorize the PTO to deduct excess claims fees. The "basic national fee" referred to is the minimum fee of \$300 required to be submitted at the time of filing, as indicated on page 2 of the transmittal. The basic national fee was included in check no. 33526.

Application No. 10/566,230

In light of the above, Applicants respectfully request that \$360 be returned to Deposit Account 19-1090.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC



Karl R. Hermanns
Registration No. 33,507

Enclosures:

Copy of Transmittal filed January 27, 2006
Copy of Check #33526
Copy of Seed Accounting showing the Debits

cc: Accounting

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

670101.403USPC / 813544_1.DOC

Deposit Account Statement

Page 3 of 5

07/14 12 A0005262	✓200164.201WP	7901 217	\$100.00
07/14 238 60814664	✓110184.435P1	8021 110	\$40.00
07/14 248 60791397	✓110184.436P1	8021 110	\$40.00
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07/17 217 11436115	✓670095.404	8021 110	\$40.00
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07/17 222 60787805	✓670095.408P1	8021 110	\$40.00
07/17 245 60754738	✓320043.434P1	8021 110	\$40.00
07/17 250 60758148	✓320043.437P1	8021 110	\$40.00
07/17 543 11408602	✓851763.479	8021 110	\$40.00
07/17 545 11399297	✓854263.406	8021 110	\$40.00
07/17 2243 78534544	✓866005.20400	7004 211	\$150.00
07/17 2299 78534546	✓866005.20401	7004 211	\$150.00
07/17 2326 78534549	✓866005.20402	7004 211	\$150.00
→ 07/18 2 10566231	670101.403USPC	1616 Lola	\$360.00
→ 07/18 7 10566230	670101.401USPC	1616 neg	\$360.00
→ 07/18 8 10566230	670101.401USPC	1615 refund	\$850.00
07/18 8 78796285	✓910009.263	8507 108	\$60.00
07/18 9 78796288	✓910009.264	8507 108	\$60.00
07/18 31 11376761	✓210121.611	8021 110	\$40.00
07/18 36 60773380	✓670098.404P1	8021 110	\$40.00
07/18 242 11380829	✓200017.448	8021 110	\$40.00
07/18 247 78536241	✓700043.20361	7004 211	\$150.00
07/18 351 78441029	✓666005.20362	7004 211	\$150.00
07/18 448 10897974	✓110184.412	8021 110	\$40.00
07/18 578 10131267	✓830055.420	8021 110	\$40.00
07/18 1048 11380829	✓200017.448	4011 100	\$75.00

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

EXPRESS L NO. EV529789416US

PTO ACCOUNT

670101.403USPC

33526

(206) 622-4900

701 5TH AVE. STE. 6300
SEATTLE, WA 98104-7043

DATE January 27, 2006

19-2/1250 WA
91928PAY TO THE
ORDER OF

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

\$ **1,030.00**

***** One Thousand Thirty and no/100 ***** DOLLARS

Bank of America

Middle Market Banking
King County, Washington

NON-NEGOTIABLE

⑈033526⑈ ⑆125000024⑆ 69048 817⑈

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
PTO ACCOUNT
SEATTLE, WA 98104-7043DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

DATE	DESCRIPTION	AMOUNT
1/27/06	PCT/US National Phase of PCT/EP2004/007799 670101.403USPC ALI ABDULLA HASSON, Tareq, et al.	
	Basic National Fee	\$300
	Examination Fee	200
	Search Fee	400
	Oakh/Declaration Surcharge	<u>130</u>
		\$1,030.00
	KRH/lhk	

NON-NEGOTIABLE

Express Mail No. EV529789416US

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NO.

670101.403USPC

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/EP2004/007799

INTERNATIONAL FILING DATE

14.07.2004 (July 14, 2004)

PRIORITY DATE CLAIMED

30.07.2003 (July 30, 2003)

TITLE OF INVENTION

COSMETIC COMPOSITIONS WITH POLYOL/POLYESTER BLOCK POLYMERS

APPLICANT(S) FOR DO/EO/US

ALI ABDULLA HASSON, Tareq; LENDLEIN, Andreas; KRATZ, Karl; MOERSHEIM, Simone; GHAZLAN, Yasmin; BIRKEL, Susanne; KRAUSE, Thomas; KALBFLEISCH, Axel; WALTER, Andrea; GRANER, Susanne

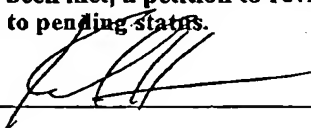
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP2004/007799		ATTORNEY'S DOCKET NUMBER 670101.403USPC	
The following fees are submitted					
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))				\$300.00	\$300.00
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$ 0.00	
All other situations				\$200.00	\$200.00
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by the IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$ 0.00	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....				\$400.00	
All other situations				\$500.00	\$400.00
TOTAL OF 21, 22 AND 23 =					\$900.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
42 - 100 = 0	0/50 =	0		X \$250.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130.00	
Claims	Number Filed		Number Extra	Rate	
Total Claims	- 20 =			x \$ 50.00	
Independent Claims	- 3 =			x \$ 200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,030.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$.00	
SUBTOTAL =				\$1,030.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	
				\$.00	
TOTAL NATIONAL FEE =				\$1,030.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
				\$.00	
TOTAL FEES ENCLOSED =				\$1,030.00	
				Amount to be refunded:	
				Amount to be Charged:	

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/EP2004/007799	ATTORNEY'S DOCKET NUMBER 670101.403USPC
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$<u>1,030</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 19-1090 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any deficiency in the basic national fee which may be required, or credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Karl R. Hermanns Seed Intellectual Property Law Group PLLC 701 5th Avenue, Suite 6300 Seattle, WA 98104-7092 United States of America (206) 622-4900</p> <p>SIGNATURE </p> <p>NAME <u>Karl R. Hermanns</u></p> <p>REGISTRATION NUMBER <u>33,507</u></p>		

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